

Notice of Allowability

Application No.

10/772,486

Examiner

Carlos Lugo

Applicant(s)

OTT ET AL.

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment filed on October 17, 2005.
2. ☒ The allowed claim(s) is/are 8-13 and 25-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on October 17, 2005.

Drawings

2. The examiner has approved the drawings submitted by the applicant on October 17, 2005.

Allowable Subject Matter

3. **Claims 8-13 and 25-47 are allowed.**

Reasons For Allowance

4. The following is an examiner's statement of reasons for allowance:

Claims 8,25,29 and 35 are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the latching system further comprises a second operating mechanism that respond to manual operation that moves the first and second latch assemblies by means of first and second actuator links (claims 8,29 and 35) and that the first crank arm is pivotally connected to the base of the enclosure (claim 25).

Hayward (US 3,996,591) discloses a latching system comprising first and second latch assemblies (at each side in Figure 2); a first operating mechanism (20) that includes an enclosure (21) that houses a first crank arm (32) and components of a signal responsive relay mechanism (Figure 5); and first and second elongated links

(37) connecting the crank arm with the first and second latch assemblies. The enclosure of the control unit comprises a cover (24) and a base.

Hayward fails to disclose that the first and second latch assemblies interact with first and second striker formations. Hayward discloses that the first and second latch assemblies are sliding bolts received in keeper formations.

Mercer (US 4,068,871) teaches that it is well known in the art of operating more than one latch bolts to have first and second latch assemblies (56) that engages first and second striker formations (40).

Hayward also fails to disclose that the enclosure has two openings so that the first and second elongated links extends therein. Hayward discloses that the enclosure includes at least two openings, however, Hayward fails to disclose that the first and second elongated links extends through the openings. Hayward discloses that only the latches extend through the openings.

Hötzl (US 5,394,718) teaches that it is well known in the art of operating more than one latch to have an operating mechanism that includes an enclosure that includes at least two openings so that first and second elongated links (7 and 14) can pass through.

However, Hayward, alone or in combination, fails to disclose that the latching system further comprises a second operating mechanism that respond to manual operation that moves the first and second latch assemblies by means of first and second actuator links and that the first crank arm is pivotally connected to the base of the enclosure.

With respect to the fact that the first crank arm is pivotally connected to the base of the enclosure, Hayward discloses that the first crank arm pivot. However, the arm pivots with respect to the shaft (32) of the motor; not pivotally connected to the base of the enclosure.

As to the fact that the latching system further comprises a second operating mechanism that respond to manual operation that moves the first and second latch assemblies by means of first and second actuator links, Knapp (US 3,396,999) teaches that it is well known in the art to have manual and electrical actuator to move first and second latch assemblies. However, Knapp fails to disclose that the manual operating mechanism includes a different set of links that operate the latch assemblies. Knapp teaches that both operating mechanism use the same set of links to move the latch assemblies.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number

Art Unit: 3676

for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.C.

Carlos Lugo
AU 3676

December 21, 2005


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER